

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA

Plaintiff,

v.

JOSEAN DOMENECH-ROBLES

Defendant.

CRIMINAL NO. 17-498 (JAG)

**PROPOSED VOIR DIRE**

Josean Domenech-Robles (“Mr. Domenech-Robles”) represented by the Federal Public Defender for the District of Puerto Rico, through the undersigned attorney, respectfully requests that the Court ask the following question of the jury venire:

**I. Knowledge of English language**

- a. Please describe your formal education. (Did you attend school? Where? For how long?)
- b. What was the highest grade you completed in school?
- c. What was the language of instruction in school?
- d. Do you read and write English?
- e. What language(s) do you speak at home?
- f. If you have children, what languages do you speak to them in?
- g. Do you read books regularly?
  - i. In what languages do you read?
- h. Do you regularly read any newspaper or magazines?
  - i. Of what language(s)?
- i. Do you watch television?
  - i. In what language are the shows you watch?
- j. Do you listen to the radio regularly?
  - i. What language is the program in?
- k. Do you have a job?
  - i. What language do you routinely speak for your work?
- l. Do you think you need an interpreter?

- m. Do you think you would benefit from the services of an interpreter? Please explain.

**II. Knowledge of parties or witnesses**

1. Do you know any of the attorneys or witnesses in this case?

**III. Prior Experience with Justice System**

1. Have you previously served on a jury, either civil or criminal?
  - a. If so, when was it?
  - b. What type of case (civil or criminal)?
  - c. Did you reach a verdict?
  - d. If more than one case, were the verdicts the same?
  - e. Have you ever served with another member of this jury panel?
2. Have you, your family members, or your close friends ever been accused of a crime? If so, were you/they treated fairly?
3. Have you, your family, or close friends been a party or witness in a criminal trial?
  - a. If so, did you participate in or watch the trial?
  - b. Do you believe the trial was fair?
  - c. Do you believe the outcome of the trial was just?

**IV. Burden of Proof and Presumption of Innocence**

1. At the start of this trial, the law requires you to presume that Mr. Domenech-Robles is innocent. Does anyone think that because the police arrested him he is likely guilty?
  - a. Does anyone think that because the federal government is prosecuting him, he is likely guilty?
2. In criminal trials, the government must prove the defendant's guilt beyond a reasonable doubt. Do you feel that Mr. Domenech-Robles should put forward evidence of his innocence?
  - a. Does anyone think that it is unfair that Mr. Domenech-Robles does not have to present any evidence?
3. Beyond reasonable doubt means that if at the end of the trial you have any single reasonable doubt, you must return a Not Guilty verdict. Does anyone disagree with that?
4. If at the end of the trial, you believe that Mr. Domenech-Robles is likely guilty, you must find him not guilty. Does anyone disagree with that?

**V. Transit violations**

1. Have you, or any of your family members ever received a ticket for a transit violation? If so, please explain.
2. Do you tend to believe that people who break traffic laws are more likely to violate other laws?

**VI. Defendant's Right Not to Testify**

1. Mr. Domenech-Robles has a constitutional right not to testify. Does anyone here feel that he should share his side of the story?
2. Does anyone believe that if he were truly innocent, he would testify?
3. Does anyone want to hear from Mr. Domenech-Robles directly?
4. Does anyone believe that if Mr. Domenech-Robles does not testify, he must have something to hide?
5. Can you think of an innocent reason why Mr. Domenech-Robles would not testify? Please explain.

**VII. Law Enforcement**

1. What is your understanding of the type of training law enforcement officials receive?
2. Do you believe that police officers, because of their specialized training, are less likely to make a mistake than the average person? Please explain.
3. Do you believe that law enforcement officers are more likely than other people to tell the truth? Please explain.
4. Do you believe it is possible that a police officer might exaggerate or embellish the truth?
5. Would you give greater weight to the testimony of a law enforcement officer based solely on the fact that he or she is a law enforcement officer?
6. Have you ever applied for a job or worked in a law enforcement agency? If so, please explain.
7. Do you have any family members or close friends who have worked or currently work in law enforcement? If so, where?
8. Please describe your most recent experience with a law enforcement officer.
9. Have you had a positive experience with a law enforcement officer?
  - a. If so, as a result of that experience, is there a possibility you might give more weight to the testimony of a law enforcement officer?

10. Are you, your family members, or close friends employed by the federal government?

**VIII. Firearms/Crime Victim**

1. Do you or your relatives or close friends possess any type of firearm?
  - a. If so, what is the reason for possessing the firearm?
2. Have you, your family members, or your close friends had any type of bad experience involving a firearm or other weapon? If so, please explain.
3. Have you, your family members, or close friends ever belonged to any kind of anti-gun or pro-gun club or organization? If so, what organization?
  - a. If you/they are no longer a member, please explain why.
4. Have you, your family members, or close friends ever been the victim of a crime? If so, please explain. Did it involve a gun?
5. Are you particularly concerned about the rate of gun crime in Puerto Rico recently?
  - a. If so, does your preoccupation affect your ability to be impartial in this case?

**WHEREFORE**, Mr. Domenech-Robles respectfully requests that the Court take notice of the proposed questions and include them in the Court's questions for the venire.

**I HEREBY CERTIFY** that on this date I electronically filed the present notice with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the parties of record.

**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico, July 20, 2018.

**ERIC A. VOS, ESQ.**  
**Federal Public Defender**  
**District of Puerto Rico**

S/JUAN J. MICHELEN  
Juan J. Michelen,  
Assistant Federal Public Defender,  
USDC-PR G02601  
241 F.D. Roosevelt Avenue  
San Juan, PR 00918-2305  
Phone No. (787) 281-4922  
[Juan\\_Michelen@fd.org](mailto:Juan_Michelen@fd.org)